

PROPOSED DRAFT ORDER

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

VEHICULAR NUISANCE PUBLIC SPACE PROTECTION ORDER 2022

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This order may be cited as the City of Bradford Metropolitan District Council Vehicular Nuisance Public Space Protection Order 2022 (“the Order”).

The City of Bradford Metropolitan District Council (“the Council”) in exercise of its powers under Section 59 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers hereby makes the following Order:

1. This Order shall come into operation on 4 June 2022 and shall have effect for 3 years thereafter, unless extended by further order under the Council’s statutory powers.
2. This Order relates to the whole of the City of Bradford Metropolitan District as shown edged red on the attached plan (“the restricted area”).
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met, namely, that anti-social behaviour and criminal activities have been carried out within the restricted area due to vehicular nuisance and those activities have had a detrimental effect on the quality of life of those in the locality, or it is likely that the activities will be carried out within that area and have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met, namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make the Order for the purpose of reducing crime and/or anti-social behaviour in a public place.
5. In this Order “Persons” means at the time of the offence:
 - a) the driver of the vehicle who was in control of the vehicle within the restricted area; and
 - b) the registered keeper of the vehicle who permits or was in a position to permit its use within the restricted area.

PROHIBITIONS:

6. Persons are prohibited from:
 - a) Engaging in, promoting, encouraging, permitting or assisting in the carrying out of any activity in or on a public highway, car park and any other land to which the public has access in the Bradford Metropolitan District area and which causes or is likely to cause harassment alarm or distress due to any of the following namely:
 - (i) Excessive noise.
 - (ii) Danger to other road users (including pedestrians);
 - (iii) Damage or risk of damage to private property;

- (iv) shouting or swearing at, or abusing, threatening or otherwise intimidating (including by the use of sexual language or making sexual suggestions) another person;
 - (v) Any public nuisance to another person
- b) Congregating or loitering as part of a group around (or in) one or more stationary vehicles at any time or as part of a group transiting on the highway or anywhere the public habitually has access to, where such activity causes or is likely to cause noise, harassment, alarm or distress
 - c) Engaging in, promoting, encouraging or assisting in activities or other vehicle related nuisance causing or likely to cause danger to the public
 - d) Causing or permitting excessive amplified music or other noise from vehicles such as to cause or be likely to cause alarm, harassment, or distress as a result of a gathering of persons in or around one or more vehicles on any public road or land to which the public has access.

FIXED PENALTY NOTICES AND OFFENCES:

- 7. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
- 8. In accordance with section 67 of the Act, a person found to be in breach of this Order is liable to be issued with a Fixed Penalty Notice of £100 or on summary conviction to a maximum penalty of a level 3 fine.

APPEALS:

- 9. In accordance with section 66 of the Act any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

APPENDIX (attached):

A street plan of the area of the Council showing the restricted area edged in red.

THE COMMON SEAL of THE)
 CITY OF BRADFORD)
 METROPOLITAN DISTRICT)
 COUNCIL was hereunto)
 affixed on the day of)
 2022 in the presence of:)

..... Authorised Officer

..... Designation